

## REMARKS

The decision by the Honorable Board of Appeals has been reviewed and carefully considered. The holding by the Examiner for the issues on appeal is reversed.

The applicant requests that prosecution be reopened pursuant to 37 CFR § 41.50(b)(1).

Claim 2 is canceled without prejudice. Claim 3 is now dependent from claim 1. Claims 7-20 are added. The dependency of claim 4 is updated so that claim 4 depends from claim 7. Claims 1, 3, 4 and 7-20 are pending, the independent claims being 1 and 16. Claim 1 is amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

The rejection of claims 1-4 under 35 U.S.C. 102 and 103 is reversed.

Under a new ground of rejection, claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, for lack of clarity.

Claim 1 is redrafted for clarity while retaining essentially the same scope.

Claim 1, as amended, appears below with inserted citations of support from the specification.

A method for processing a packet being received from a physical layer by a MAC (Medium Access Control) layer of an Ethernet (original claim 1), the method comprising acts performed as said packet is received from the physical layer, said acts comprising:

- a) storing a received portion of the packet being received from the physical layer (page 6, lines 1-4);
- b) transmitting the stored portion to a switch (page 7, lines 6-17 (notably, the reason for sending the EOP (page 7, line 13) is to notify the switch that the packet for which it has received merely a portion is now ended; the prior art accomplishes the same by continuing to receive and transmit the entire erroneous packet, but at the cost of additional overhead (page 2, lines 17-22; page 3, lines 7-8); page 5, lines 17-19 (also notable is the fact that an overflow of FIFO 50 (memory) potentially can occur as the

packet arrives and arriving portions are stored to memory, while room is continually being made by emptying memory, i.e., sending the stored portion of the packet to the switch as quickly as resources become available at the switch to process this incoming data flow); page 6, lines 1-4; page 6, line 22 - page 7, line 9); and  
 c) upon, and in the event of, error being detected during said transmitting,  
     i) stopping said storing, and said transmitting, of said packet being received (page 7, lines 8-13); and  
     ii) sending, to said switch, a signal indicating occurrence of the error and a signal indicating an end of said packet being received (page 7, lines 9-13).

Haddock fails to disclose or suggest, ". . . upon, and in the event of, error being detected during said transmitting, i) stopping said storing, and said transmitting, of said packet being received; and ii) sending, to said switch, a signal indicating occurrence of the error and a signal indicating an end of said packet being received."

Instead, Haddock receives the entirety of the packet before transmitting the packet to what the Examiner referred to as a "switch."

The Examiner's Answer, in the next-to-last sentence of the last full paragraph on page 5, states, "When the MAC is transmitting to another node, it is receiving the packet from the Physical layer for transmission."

In the appeal and reply briefs, the appellant traverses this statement on page 5 of the Examiner's Answer. The applicant does not believe the line of argument in the Examiner's Answer can be sustained.

For at least all of the above reasons, Haddock fails to anticipate the invention as recited in claim 1.

Claim 1 was previously rejected using the applicant's own disclosed prior art drawings as the primary reference, but this suggestion by the Examiner is believed to be

addressed in the appeal and reply briefs.

New claims 7-20 find support in the specification as follows:

- 7        page 5, lines 12 and 13
- 8        page 4, lines 1-3; page 8, lines 4-6
- 9        page 2, lines 15-22
- 10       page 2, lines 15 and 16
- 11       page 2, lines 15-22
- 12       page 2, lines 15-19
- 13       page 2, lines 17-18; page 7, lines 15-17
- 14       page 2, lines 17-18; page 7, lines 15-17
- 15       page 6, line 21 - page 7, line 2; page 7, lines 9-13
- 16       page 2, lines 15-22 (in addition to the support indicated above for  
claim 1)
- 17       page 2, lines 17-18; page 7, lines 15-17
- 18       page 2, lines 15 and 16
- 19       original claim 3
- 20       page 4, lines 1-3; page 8, lines 4-6

For all of the foregoing reasons, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to kindly telephone the undersigned telephone number listed below.

Respectfully submitted,

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